

Members

Sen. Patricia Miller, Chairperson
Sen. Brandt Hershman
Sen. John Waterman
Sen. Connie Sipes
Sen. Allie Craycraft
Sen. Larry Lutz
Rep. Timothy Neese, Vice-Chairperson
Rep. Ralph Ayres
Rep. Trent Van Haaften
Rep. Vern Tinchler
Rep. David Crooks
Rep. Amos Thomas



INTERIM STUDY COMMITTEE ON CRIMINAL JUSTICE MATTERS

LSA Staff:

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Authority: Legislative Council Resolution 06-01

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MEETING MINUTES¹

Meeting Date: October 18, 2006
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington St., Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Sen. Patricia Miller, Chairperson; Sen. Brandt Hershman; Sen. Connie Sipes; Sen. Allie Craycraft; Sen. Larry Lutz; Rep. Vern Tinchler; Rep. Amos Thomas.

Members Absent: Sen. John Waterman; Rep. Timothy Neese, Vice-Chairperson; Rep. Ralph Ayres; Rep. Trent Van Haaften; Rep. David Crooks.

Call to Order

Senator Patricia Miller, chairperson, called the fourth meeting of the Interim Study Committee on Criminal Justice Matters to order at 10:40 a.m.

Background Check Issues

Senator Hershman distributed a copy of PD 3491, dealing with Indiana's limited background check system. The bill addresses five issues: (1) it closes a loophole that excludes certain people with pending charges from the database; (2) it requires checks

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

performed on behalf of noncriminal justice agencies and individuals to be name-based (rather than fingerprint-based); (3) it permits service providers for certain individuals access to limited criminal history data; (4) it requires certain defendants to be fingerprinted and requires the Security and Privacy Council to adopt rules to improve the accuracy and efficiency of criminal history data transmitted to the State Police; and (5) it requires the State Police to inform individuals requesting criminal history data of the scope of the data provided.

In response to a suggestion by Representative Vern Tincher, the committee adopted by consent an amendment permitting the submission of certain other identifying information as part of a name based background check.

The committee voted 7-0 to recommend PD 3491 to the General Assembly.

Final Report

Legislative Services Agency Staff Attorney Andrew Hedges presented a draft of the final report to the committee. The committee voted 7-0 to adopt the final report. In addition to PD 3491, the committee recommended the following legislative drafts in the final report:

PD 3295 (Next of Kin)

Prohibits a person who is arrested for one of certain specified crimes in connection with a death from making certain determinations concerning the remains of the victim of the apparent crime for which the person was arrested. Requires the coroner, in consultation with law enforcement, to notify a cemetery owner, a crematory authority, or a seller of prepaid funeral and burial services that the person is barred from making the determinations concerning the remains because of the person's arrest. Makes other changes.

PD 3300 (Coroner Issues)

Prohibits disturbing a body, any evidence, and the scene of death until the coroner has photographed the body and law enforcement and the coroner have finished their investigation. Requires the coroner to positively identify a dead person by one of four specified methods. Requires the Indiana law enforcement academy (academy) to create and offer an introductory training course and an annual training course for coroners and deputy coroners. Provides that the courses must include instruction regarding death investigation, crime scenes, and preserving evidence at a crime scene for police and crime lab technicians. Requires the academy to consult with the coroners training board and a pathologist in creating the training courses. Requires each coroner and each deputy coroner to successfully complete: (1) the introductory training course; and (2) the annual training course. Provides that a coroner's or deputy coroner's paycheck may be withheld for failing to successfully complete the introductory training course or the annual training course. Provides that a coroner's paycheck may be withheld for failing to release a written report or full autopsy report.

PD 3292 (Commission on Forensic Sciences)

Provides that the members of the commission on forensic sciences (commission) are to be appointed by July 1, 2007. Provides that commission members shall receive a salary per diem and reimbursement for travel expenses. Requires the commission to submit a report to the legislative council by November 1, 2007, that

includes the commission's findings and recommendations about the creation of a medical examiner system to assist coroners.

SJ 9601 (Coroner Qualifications)

Proposed constitutional amendment. Provides that the general assembly may prescribe by law additional qualifications for the office of coroner. This proposed amendment has not been previously agreed to by a general assembly.

Adjournment

Senator Miller adjourned the committee at 11:00 a.m.